

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1-2, 5 and 9-12 are amended.

New claims 15-16 are added.

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa et al. (US 2002/004538; hereinafter "Tagawa") in view of Futamase et al (2004/0007120; hereinafter "Futamase").

Regarding the amended claims 1 and 5, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that an optimum reproducing procedure is selected based on the contents being reproduced, wherein a change of the superposition of the output of the reproducing unit and the output of the informing unit in time series is made based on the contents being reproduced.

First, neither Tagawa nor Futamase discloses that a change of the superposition of the output of the reproducing unit and the output of the informing unit in time series is made based on the contents being reproduced. The Office action states that Tagawa discusses [0023] selecting a ringing tone is based on the communicating party, therefore there must be a list/metadata of contact information such that the calling party is detected and recognized based

on the list/metadata. However, according to the amended claim 1, the reproducing procedure is selected, not based on the communicating party, but based on the contents being reproduced in the reproducing unit. According to the present specification, the contents being reproduced in the reproducing unit include a music, a moving picture, a television broadcast, and the like (the paragraph [0001]), but do not include a communicating party. Thus, Tagawa's discussion that [0023] selecting a ringing tone is based on the communicating party is not a disclosure of the above feature that an optimum reproducing procedure is selected based on the contents being reproduced. Futamase is silent about changing the superposition of the output of the reproducing unit and the output of the informing unit in time series based on the contents being reproduced. There is no disclosure in Futamase that the superposition of the output of the reproducing unit and the output of the informing unit is changed. Futamase does not change the above superposition at all.

Secondly, neither Tagawa nor Futamase discloses that an optimum reproducing procedure is selected based on the contents being reproduced. Tagawa does not disclose the above feature, as admitted by the examiner in the Office action which states that Tagawa does not specifically disclose a superposition of the reproducing unit and informing unit is performed based on meta information extracted from the contents being reproduced. The Office action states that Futamase teaches [0230][0231] the ring tone is selected based on performance data of the music data being played. Applicants respectfully disagree. According to the paragraph [0231] of Futamase, Futamase merely discloses that music reproduction is executed in accordance with the performance data of the music information selected as the melodious ringing tone. This clearly indicates that the ringing tone is independently selected first and the music

reproduction is executed based on the selected ring tone. The procedure disclosed in Futamase is opposite to the procedure of the claim 1 invention. There is no disclosure in Futamase that the ring tone is selected based on the contents of the music being played.

Accordingly, the combination of Tagawa and Futamase does not meet all of the limitations of claim 1 or 5. Therefore, the asserted combination of Tagawa and Futamase does not render claims 1 and 5 obvious. Thus, withdrawal of the rejection as it applies to claims 1 and 5 is respectfully requested.

Claims 2-4, 9-10 and 13 which are dependent from claim 1 should also be allowable for at least the same reason.

Claims 7-8, 11-12 and 14 which are dependent from claim 5 should also be allowable for at least the same reason.

In addition, regarding the amended claims 9 and 11, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that the optimum reproducing procedure is selected based on type of the contents being reproduced.

Also, regarding the amended claims 10 and 12, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that the optimum reproducing procedure is selected based on scenario information of the contents being reproduced.

Moreover, regarding the amended claims 13 and 14, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that the change of the superposition is made based on type of the contents being reproduced. As discussed above regarding claims 1 and 5, Tagawa merely discusses that [0023] selecting a ringing tone is based on the

communicating party. There is no disclosure in Tagawa that selecting a ringing tone is based on type of the contents being reproduced. The Office action states that Futamase's [0230][0231] and Fig. 16 teaches the above feature. However, Futamase is silent about changing the superposition of the output of the reproducing unit and the output of the informing unit based on type of the contents being reproduced. There is no disclosure in Futamase that the superposition of the output of the reproducing unit and the output of the informing unit is changed. Futamase does not change the above superposition at all.

Regarding new claims 15 and 16, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that each of the outputs of the reproducing unit and the informing unit includes a video output and a sound output, and that the video output of the reproducing unit and the sound output of the informing unit cross fade.

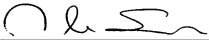
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/599,000
Amdt. Dated: August 18, 2010
Reply to Office action of May 26, 2010

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-41245.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: August 18, 2010